

# Morgan Lewis

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November 17, 2017

**BY ECF**

Honorable Barbara Moses, U.S.M.J.  
United States District Court for the Southern District of New York  
500 Pearl Street, Room 920  
New York, NY 10007

Re: Royal Park Investments SA/NV v. Deutsche Bank Nat'l Trust Co., No. 14-cv-4394

Dear Magistrate Judge Moses:

On behalf of defendant Deutsche Bank National Trust Company, solely in its capacity as trustee (the “Trustee”), we submit this notice of supplemental authority in support of the Trustee’s Opposition to the Motion of Plaintiff Royal Park Investments SA/NV Regarding Sampling-Related Expert Discovery (Dkt. # 490). Judge Keenan recently denied a motion to use statistical sampling in an RMBS repurchase action to prove alleged breaches of loan-level representations and warranties because the governing agreements “call for proof of breach on a loan-by-loan basis.” Homeward Residential, Inc. v. Sand Canyon Corp., No. 12 Civ. 5067 (JFK), 2017 WL 5256760 (S.D.N.Y. Nov. 13, 2017).

Respectfully submitted,

*/s/ Kevin J. Biron*

Kevin J. Biron

cc: Counsel of Record (via ECF)

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